



U.S. Environmental Protection

Mr. Jim Rue, Director Department of Land Conservation and Development 635 Capitol St. NE, Suite 150 Salem, Oregon 97301-2540 Mr. Dick Pederson, Director Department of Environmental Quality 811 SW 6th Ave. Portland, Oregon 97204-1390

Dear Directors Rue and Pederson:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) are writing to inform you that we have found that Oregon has failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA find that Oregon has failed to satisfy the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the determination document that explains why the Federal agencies have found that Oregon has failed to satisfy this condition.

While Oregon has made considerable progress addressing many of the conditions placed on its program, NOAA and EPA were not able to find that Oregon has satisfied the condition related to additional management measures for forestry.

This decision was made after careful consideration of the public comments received on the federal agencies' December 20, 2013 proposed decision, as well as review of Oregon's March 2014 program submission. NOAA and EPA will announce this decision in the Federal Register. We anticipate the announcement to be published on or about January 30, 2014. You also can find a copy of this decision document and the response to comments on NOAA's website at http://coast.noaa.gov/czm/pollutioncontrol/.

Please note that while NOAA and EPA are only basing this decision on Oregon's failure to satisfy the additional management measures for forestry condition, there still remains a need, as with all states with conditional approvals, to complete the full assessment of Oregon's program with respect to all other CZARA program requirements. While NOAA and EPA have over the years given Oregon "interim" approvals for many of the other CZARA management measures, the agencies noted at that time that these were preliminary decisions pending public comment once a complete program submittal was available. If and when NOAA and EPA believe that Oregon has met all CZARA requirements, then the public will be provided an opportunity to comment on the proposed decision to fully approve the state's entire coastal nonpoint program, as well as the rationale for such a decision. At that point and after consideration of public comment, a final decision will be made on Oregon's entire coastal nonpoint program.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program. We are committed to continuing to work with you and your staff to address the

remaining conditions. If you have any questions regarding the agencies' decision, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director Office for Coastal Management National Oceanic and Atmospheric Administration Dennis McLerran, Regional Administrator Region 10 U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Final Determination for the Oregon Coastal Nonpoint Program

cc: Ms. Patty Snow, DLCD Mr. Eugene Foster, DEQ





Agency

U.S. Environmental Protection

Mr. Jim Rue, Director Department of Land Conservation and Development 635 Capitol St. NE, Suite 150 Salem, Oregon 97301-2540

Mr. Dick Pedterson, Director
Department of Environmental Quality
811 SW 6th Ave.
Portland, Oregon 97204-1390

Comment [HL1]: General comment the tone of this lette is direct and official, speaking only to CZARA issues. I believe Christine said she would work to add more context on the Salmon Reocvery Plan.

Dear Directors Rue and Pedterson:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) are writing to inform you that we have found that Oregon has failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA find that Oregon has failed to satisfy the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the determination document that explains why the Federal agencies have found that Oregon has failed to satisfy this condition.

While Oregon has made <u>considerable</u> progress addressing many of the conditions placed on its program, NOAA and EPA were not able to find that Oregon has satisfied the condition related to additional management measures for forestry.

This decision was made after careful consideration of the public comments received on the federal agencies' December 20, 2013 proposed decision, as well as <u>review of Oregon</u>'s March 2014 <u>program</u> submission. NOAA and EPA will announce this decision in the Federal Register. We anticipate the announcement to be published on or about January 30, 2014. You also can find a copy of this decision document and the response to comments on NOAA's website at http://coast.noaa.gov/czm/pollutioncontrol/.

Please note that while NOAA and EPA are only basing this decision on Oregon's failure to satisfy the additional management measures for forestry condition, there still remains a need, as with all states with conditional approvals, to complete the full assessment of at does not necessarily mean Oregon's program with respect to has fully met all other CZARA program requirements, and that no further action will be needed to address other CZARA management measures. While NOAA and EPA have over the yearsd previously given Oregon "interim" approvals for many of the other CZARA management measures, the agencies noted at that time that these were only preliminary decisions pending public comment once a complete program submittal was available. If and when NOAA and EPA believe that Oregon has met all CZARA requirements, then the public will be provided an opportunity to comment on the proposed decision to fully approve the state's entire coastal nonpoint program, as well as the rationale for such a decision. At that point and after consideration of public comment, a final decision will be made on Oregon's entire coastal nonpoint program. Information the public provides during the comment period may cause NOAA

Ex. 5 - Deliberative

and EPA to reassess an earlier "interim" decision or request Oregon to provide additional information or clarification.

Ex. 5 - Deliberative

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program. We are committed to continuing to work with you and your staff to address the remaining conditions, so that full funding to the state can be restored. If you have any questions regarding the agencies' decision, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Comment [HL4]: N/A

Sincerely,

Jeff Payne, Acting Director Office for Coastal Management National Oceanic and Atmospheric Administration Dennis McLerran, Regional Administrator Region 10 U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Final Determination for the Oregon Coastal Nonpoint Program

ce: Ms. Patty Snow, DLCD Mr. Eugene Foster, DEQ